

CITY COUNCIL, CITY OF LODI  
 COUNCIL CHAMBER, CITY HALL  
 NOVEMBER 19, 1958

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 o'clock p.m. of Wednesday, November 19, 1958; Councilmen Brown, Culbertson, Mitchell, Robinson and Katsakian (Mayor) present; none absent. Also present: City Manager Glaves, Administrative Assistant Brown, City Attorney Mullen and Planning Director Rodgers.

MINUTES                  Minutes of November 5, 1958 were approved as written and mailed on motion of Councilman Brown, Mitchell second.

PUBLIC HEARINGS

MR. NATHAN &  
 PLUMBING CODE                  Mr. William Nathan appeared before the City Council with the written "demand that the 'Bentz Plumbing Concern' be required to comply in every instance to the Plumbing Code set up by the City of Lodi" and citing sections of the Code which he stated were violated in construction of his motel. The City Manager said that he had contacted Mr. Lewis Keller, Legal Counsel for the League of California Cities, requesting his opinion on the matter. Mr. Keller had replied that it was the responsibility of the property owner to comply with the Code and that the City could hold the owner liable for any infractions that were made by the contractor. Mr. Nathan disagreed and stated that he had been trying for 1½ years to get the City to do something about the plumbing installations at his motel. The City Manager stated that the matter had been investigated and a report given at the previous Council meeting. The City Attorney gave a short resume of Mr. Nathan's suits against Mr. Bentz which had been judged in favor of Mr. Bentz. Councilman Robinson moved, Culbertson second, that the demand of Mr. Nathan be rejected. Motion carried.

PLANNING COMMISSION

ALLEY  
 ABANDONMENT                  The Planning Commission recommended that the portion of the easterly section of alley in the block bounded by Cherokee Lane, Lodi Avenue, Garfield and Walnut Streets, for which a petition requesting abandonment had been received, not be abandoned for the following reasons:

1. Probable future use of the alley with the further commercial development of Lodi Avenue.
2. It is the sole vehicular access to the rear of one of the lots.
3. More than half of the block presently has improved alley. At some future date it may be possible to complete the alley.

The City Attorney stated that a person's ingress or egress could not be cut off. It was also noted that the alley could not be abandoned if there was any present or possible future use. After listening to the discussion of the above considerations, Mr. Kenneth Bassett, 444 East Walnut Street, who was representing the petitioning property owners, withdrew the request for abandonment.

REZONING AT  
KETTLEMAN &  
STOCKTON ST.

The Planning Commission recommended that the request of Mr. Lester Lind for rezoning of the northeast corner of Kettleman Lane and Stockton Street from R-4 to C-2 be approved. On motion of Councilman Culbertson, Brown second, public hearing on the rezoning was set for December 3, 1958.

SIGNAL OIL  
PUMP ISLAND  
ON KETTLEMAN  
LANE

The request of the Signal Oil Company for permission to place a gasoline pump island within the building setback line on Kettleman Lane at the northeast corner of Kettleman and School Street was referred to the City Council for approval. The legality of such permission was under question since no City ordinance provides for placing a structure within such an area. Mr. Lawrence Joseph of Signal Oil Company requested permission for the installation, stating that in other parts of the State pump islands were not considered structures. However, the City Attorney stated that pump islands are structures. Mr. John E. Hoggatt, Manager of the local Chamber of Commerce, stated that the Chamber was in favor of maintaining the setback line since it was interested in avoiding any difficulty in expediting construction of a 4-lane highway on Kettleman Lane and doesn't want the State to abandon Kettleman Lane as part of its freeway system which is scheduled for completion by 1980. Mr. Joseph said that in Oakland the Company had agreed to relocate pump islands at its expense. Councilman Brown, stating that the property owner should be able to use his property, moved that a use permit be granted for installation of the pump island within the setback area and that when required, the Company remove the same at its expense. The City Attorney stated that first an ordinance would be required enabling the Council to grant encroachment permits within a setback area. Councilman Mitchell moved, Brown second, that Ordinance No. 629 providing for such encroachment permits be introduced. Motion carried. Mr. Joseph stated that the Company would have to consider the time element in relocation of the pump island, and it was agreed that this would have to be worked out.

ORD. NO. 629  
INTRODUCED

P.C. ACTIONS

The City Manager reported the following actions of the Planning Commission:

1. Approved a variance for Mr. Don Bedford to locate a printing business at 531 North Hutchins Street in the C-1 commercial zone.
2. Approved a use permit for Richfield Oil Company to erect a sign at 305 West Lodi Avenue in the C-1 commercial zone.
3. Recommended approval of a County use permit for Mr. W.J. Seeley to operate a trailer sales agency at his home on the south side of East Kettleman Lane about 520 feet east of Stockton Street.

4. Approved by a 5-3 vote a variance for Mr. Stanley Kirst to reduce the front yard requirement from 30 feet to 25 feet for a house at the southwest corner of Lincoln Avenue and Daisey Avenue in the R-3 zone.

## COMMUNICATIONS

**WERNER VARIANCE EXTENDED** Request from Mr. Ed Werner that he be granted a six-months' extension on his variance permit in order to allow him to continue his painting operations while new facilities are being constructed at a location in an industrial area. The letter stated that Mr. Werner had secured a suitable location in Lodi Industrial Park from Mr. Robert Houston and that he would apply for a building permit as soon as plans were sufficiently completed, which should be the last week in November. Councilman Mitchell asked Mr. Werner (who was in the audience) if he had a signed agreement with Mr. Houston. Mr. Werner replied that he did not, but that was because plans had been changed regarding the Central California Traction Company spur track and that the amount of area he would need still had to be determined. Councilman Culbertson moved, Brown second, that an extension be granted to December 17, 1958 and that by that date a definite commitment in writing between Werner and Houston would be required before the Council would consider extension for an additional five months. The motion passed by the following vote:

AYES: Councilmen - Brown, Culbertson, Robinson and Katzakian

NOES: Councilmen - Mitchell

**CLAIM FOR DAMAGES** Claim for Damages from Bonnie Locke and Chester Locke, her father, for injuries sustained by Bonnie Locke at Lodi Lake Park in the amount of \$150,000 plus special damages. The claim was rejected and referred to the City's Agent of Record on motion of Councilman Brown, Mitchell second.

**CHURCHES PROTEST SUNDAY WHISTLE** Letter from the Lodi Council of Churches requesting that the City's whistle be silenced on Sundays, particularly at the noon hour. Councilman Robinson moved, Brown second, that the whistle be discontinued all day on Sundays. The motion carried by the following vote:

AYES: Councilmen - Brown, Robinson and Katzakian

NOES: Councilmen - Mitchell and Culbertson

## REPORTS OF THE CITY MANAGER

**SPECS FOR WATER WELL APPROVED** The City Manager submitted specifications for drilling a water well and installing casing therein at the site adjacent to the East Side Winery property. He stated that the well plus pump and electrical facilities would cost approximately \$17,250. He said that no provision had been made in the budget for the water mains which would cost about \$17,400. However, the City had in stock approximately 1,000 feet of 14-inch pipe which could be used and which would lower the cost

for the water mains to \$14,400. The total cost for well and lines would then be approximately \$11,550. On motion of Councilman Brown, Mitchell second, the Council approved the specifications for the well drilling and authorized calling for bids.

#### CONGREGATIONAL CHURCH DRIVEWAYS

MOVED LADINGER

FROM GIBSON  
E. YASON

DRIVEWAYS

Councilman Mitchell, Culbertson second, the driveways were approved.

The City Manager presented an easement deed and a letter from Mrs. Clara E. Mason. The easement is for the construction and maintenance of the levee and utility lines northeast of Lodi Lake Park, for ingress and egress, and also for the maintenance of the wall along the west side of Laurel Avenue extended. Mrs. Mason's letter states that by acceptance of the easement, the City agrees to relocate existing water and sewer lines and said easement abandoned by the City when the property is developed and in the event said lines need to be moved in order to develop the property. On motion of Councilman Culbertson, Robinson second, the deed was accepted with the conditions required by Mrs. Mason.

#### SCHOOL CROSSWALK ORDINANCE NO. 2130 ADOPTED

M. Glaspy, Business Manager of the Lodi Public Schools, requested the installation of a school crossing at the north side of Walnut Street across Pacific Avenue by the new high school. The Engineering Department recommended that the crosswalk be installed. On motion of Councilman Brown, Culbertson second, the Council adopted Resolution No. 2130 establishing the school crosswalk requested.

#### CLAIMS

Claims in the amount of \$95,605.03 were approved on motion of Councilman Culbertson, Brown second.

#### PURCHASING ORDINANCE NO. 530 INTRODUCED

The proposed Purchasing Ordinance and the proposed resolution adopting rules and regulations for its administration came up for action, copies thereof having previously been presented to the Council for study. In considering the proposed resolution, Councilman Brown objected to Rule V, which prohibited the acceptance of bids by employees, as being something to be left to the discretion of the City Manager. Councilman Culbertson, Brown second, moved the introduction of Ordinance No. 530 adopting a purchasing system, after correction of a typographical error in Section 10. The motion passed by the following vote:

AYES: Councilmen - Brown, Katzakian and Culbertson

NOES: Councilmen - Mitchell and Robinson

RULES FOR  
PURCHASING  
ADMINISTRATION  
RES. NO. 2181  
ADOPTED

Councilman Brown, Culbertson second, moved the adoption of Resolution No. 2181 adopting rules and regulations for the administration of the Purchasing Ordinance with Rule V being omitted from the resolution. The motion carried by the following vote:

AYES: Councilmen - Brown, Culbertson, Mitchell and Matzakian

NOLDS: Councilmen - Robinson

AWARD  
PARKING LOT  
NO. 3  
RES. NO. 2182  
ADOPTED

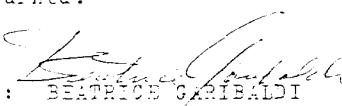
The City Manager reported that only one bid had been received for the removal of buildings on Parking Lot No. 3. The bid was from Roy Parker for removal of the frame and masonry building for \$51.00 and materials. He did not bid on removal of the garages. On motion of Councilman Robinson, Brown second, the Council adopted Resolution No. 2182 awarding the contract for removal of the building to Roy Parker.

#### ORDINANCES

ORD. NO. 628  
HELD OVER

On motion of Councilman Brown, Culbertson second, Ordinance No. 628 rezoning two lots on Cardinal Street from R-1 to R-2, which had been introduced at the meeting of November 5, was held over pending transfer of property so that buildings on the lots would comply with the zoning regulations.

On motion of Councilman Culbertson, Robinson second, the meeting adjourned.

ATTEST:   
BEATRICE GARIBALDI  
City Clerk